



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Masayuki Fukumura, et al.

Serial No.: 09/843,922

Filed: April 30, 2001

For: Negative-sense RNA Virus Vector For
Nerve Cell

Art Unit: 1636

Examiner:

Atty. Docket: 4001-0003CIP

#6
w/attachments
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AUG 03 2001

TECH CENTER 1600/2900

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our check no. ____ in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(p).

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(j)(1).

a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- 4. Relevance of the non-English language document(s) is discussed in the present specification.
- 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **50-0622**. A duplicate copy of this paper is enclosed.

Respectfully submitted,

SHANKS & HERBERT

By: Mark R Shanks
Mark R. Shanks
Reg. No. 33,781

Date: August 2, 2001

TransPotomac Plaza
1033 N. Fairfax Street
Suite 306
Alexandria, VA 22314
703-683-3600

FORM PTO 1449			ATTY. DOCKET NO. 4001-0003CIP		APPLICATION NO. 09/843,922				
INFORMATION DISCLOSURE STATEMENT			APPLICANT(S) Masayuki Fukumura, et al.		RECEIVED				
AUG 02 2001			FILING DATE April 30, 2001		GROUP 1636		AUG 03 2001		
U.S. PATENT DOCUMENTS								TECH CENTER 1600/2900	
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE	TECH CENTER 1600/2900	
		AA1							
		AB1							
		AC1							
		AD1							
		AE1							
		AF1							
		AG1							
		AH1							
		AI1							
		AJ1							
		AK1							
FOREIGN PATENT DOCUMENTS									
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION		
		AL1	WO 01/20989 A1	3/29/01			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		AM1					<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		AN1					<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		AO1					<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		AP1					<input type="checkbox"/> Yes	<input type="checkbox"/> No	
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)									
	AR	1	Miyazaki, H., et al., "Glial Cell Lin-Derived Neurotrophic Factor Protects Against Delayed Neuronal Death After Transient Forebrain Ischemia In Rats", <i>Neuroscience</i> , 89 (3), 643-647 (1999)						
	AS	1							
	AT	1							
EXAMINER					DATE CONSIDERED				
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.									